

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

KEITH ORLIN CRUMP

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Case No. 4:08cr115  
(Judge Crone)

## **REPORT AND RECOMMENDATION** **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 17, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Heather Rattan.

On September 18, 2003, Defendant was sentenced by the Honorable Ed Kinkeade to sixty (60) months' custody followed by three (3) years of supervised release for the offense of Use of a Fictitious Name to Commit Mail Fraud. On September 6, 2007, Defendant completed his period of imprisonment and began service of his supervised term. On June 2, 2008, this case was transferred to the Eastern District of Texas, Sherman Division and assigned to United States District Judge Marcia A. Crone. On September 23, 2008, Defendant's supervised release was revoked and he was sentenced to nine (9) months' custody followed by an additional two (2) years of supervised release. On March 27, 2009, Defendant began his new term of supervised release.

On March 1, 2010, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following standard conditions: (1) the defendant shall report to the probation officer as directed by the Court or probation officer and shall submit a truthful and complete written report within the first five days

of each month; (2) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; (3) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons; (4) the defendant shall notify the probation officer ten days prior to any change of residence or employment; (5) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer; and (6) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer. The petition also alleged violations of the following special condition: the defendant shall pay restitution in the amount of \$36,088.06.

The petition alleges that defendant committed the following acts: (1) the defendant submitted false address information on written monthly reports for the months of December 2009 and January 2010, and failed to answer truthfully where he was residing when the probation officer inquired; (2) the defendant failed to report his contact on January 19, 2010, and February 2, 2010, with a law enforcement officer on his January 2010 written monthly report; (3) the defendant failed to submit a written monthly report within the first five days of the month for the month of November 2009; (4) the defendant failed to attend orientation on April 28, 2009, as directed by the U.S. Probation Officer; (5) the defendant has failed to obtain suitable employment during the term of supervision. He submitted false employment information regarding employment at Fifth Avenue Dry Cleaners, 5995 Preston Road, Frisco, Texas 75034, starting in July 2009; (6) the defendant failed to notify the U.S. Probation Office of a residence change from December 10, 2009, through January 8, 2010, at Comfort Suites, 755A Vista Ridge Mall Dr., Lewisville, Texas 75067; (7) the defendant has reported

contact with Robin Black since March 31, 2009, an individual convicted of a felony and was not granted permission to do so by the U.S. Probation Office. The U.S. Probation Office recently learned of Mr. Black's prior felony convictions; (8) the defendant was questioned by Lewisville Police Officer Bryan Smith on January 19, 2010, and February 2, 2010, and failed to notify the U.S. Probation Office within seventy-two hours of being questioned by a law enforcement officer; and (9) the defendant has failed to pay restitution as directed. Defendant failed to make restitution payments for the months of November and December 2009. His remaining balance is \$29,702.43.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations.

#### **RECOMMENDATION**

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirteen (13) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

It is further recommended that defendant pay restitution in the amount of \$29,702.43. The fine is due immediately, payable by cashier's check or money order, to the United States District Court and forwarded to the United States District Clerk's Office, P.O. Box 570, Tyler, Texas 75710.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

**SIGNED this 18th day of March, 2010.**

  
AMOS L. MAZZANT  
UNITED STATES MAGISTRATE JUDGE